

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1108
OFFERED BY ~~MR.~~ **MYRICK****

After section 5, insert the following:

1 SEC. 6. LIMITATION ON APPLICATION OF ACT.

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of this Act, this Act and the amendments made by
4 this Act shall become effective on the date the Secretary
5 of Health and Human Services certifies that the Food and
6 Drug Administration has sufficient funding for approving
7 new drugs and generic drugs, conducting appropriate
8 oversight of the safety and nutritional quality of the food
9 supply of the United States, developing bioterrorism coun-
10 termeasures, ensuring the safety of drugs and medical de-
11 vices, and performing other essential functions of the
12 agency.

13 (b) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Institute of Medicine shall
15 submit to the Secretary of Health and Human Services,
16 the Committee on Health, Education, Labor, and Pen-
17 sions and the Committee on Appropriations of the Senate,
18 and the Committee on Energy and Commerce and the
19 Committee on Appropriations of the House of Representa-

1 tives, a report making recommendations on what level of
2 funding is needed by the Food and Drug Administration
3 to perform its agency functions and responsibilities.

4 (c) RELIANCE ON REPORT.—In making a certifi-
5 cation under subsection (a), the Secretary may rely on the
6 findings of the report under subsection (b).